

KAVP010030802026



IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIJAYAPURA

Present

Sri. HAREESHA A.,
B.A., LL.M.
Prl. District and Sessions Judge

Dated 6th June, 2026

Criminal Misc. No.569/2026

Petitioners:

1. Prakash S/o. Ashok Talawar,
Age: 32 years, Occ: Agriculture,
2. Ashok S/o. Revanasiddappa Talawar,
Age: 58 years, Occ: Agriculture,
Both are R/o. Kumasagi, Tq: Sindagi,
Dist: Vijayapura.
3. Shivanand S/o. Basavaraj Diddimani,
Age: 47 years, Occ: Agriculture,
R/o. Ward No.2, Basaveshwar Mandir,
Yedrami, Tq: Yedrami, Dist: Vijayapura.

(By Sri M.A. Biradar, Advocate)

Vs.

Respondents:

1. The State of Karnataka,
Through the P.S.I., Sindagi Police Station.
2. Devendra S/o. Siddappa Talawar,
R/o. Byalihal, Tq: Sindagi,
Dist: Vijayapura.

(By learned Public Prosecutor)

ORDER ON BAIL PETITION FILED U/SEC. 482 OF B.N.S.S.

The present petition is filed under 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS"), in connection with Crime No.178/2026 registered by the respondent-police for the offences punishable under Sections 189(2), 191(2), 191(3), 74, 118(1), 109(1), 126(2), 351(3), 352, 329(3) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter "BNS").

2. The petitioners, with a posture of emphatic denial, have repudiated the allegations levelled against them, contending that there exist no reasonable grounds to believe that they have committed any offence punishable with death or imprisonment for life. It is urged that there is neither direct nor circumstantial evidence to connect them with the alleged guilt. That looking to the allegations in the complaint the alleged assault is not on the vital parts of the body and that the alleged injured is already discharged from the hospital and there is no threat to their life or limb. That, how far the petitioners are involved in the commission of the alleged offence is a matter of evidence. They are the respectable persons and law abiding citizens, owning both movable and immovable properties within the jurisdiction of the Court. Hence, there is no likelihood of their absconding and tampering the prosecution witnesses, if they are enlarged on bail. They have not undergone imprisonment for offences punishable with life or

imprisonment for 7 years or more or previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for a period of three years or more previously. They are ready and willing to abide by the conditions, which may be imposed by the Court while granting bail to them. On these premises, invoking the protective mantle of anticipatory bail under the provisions of the Bharatiya Nagarik Suraksha Sanhita, the petitioners seek to secure their liberty against the apprehended arrest.

3. Per contra, the learned Public Prosecutor has entered a strenuous opposition, filing detailed objections resisting the grant of anticipatory bail. It is contended that the offences alleged are grave and non-bailable in nature, disclosing a prima facie case warranting thorough and unhindered investigation. It is further urged that if the petitioners are enlarged on bail at this nascent stage, there exists a tangible apprehension that they may interfere with the course of investigation, tamper with the prosecution evidence, or exert influence upon witnesses, thereby derailing the process of justice. On these grounds, the learned Public Prosecutor has prayed for rejection of the petition.

4. The respondent No.2 appeared and submitted that he will adopt the objections filed by the learned Public Prosecutor.

5. I have heard the learned counsel for the petitioners and the learned Public Prosecutor. I have also perused the records and the materials placed on file. The point that would arise for my determination is:

- 1) *Whether the petitioners have made out any grounds to enlarge them on anticipatory bail under Section 482 of B.N.S.S.?*
- 2) *What order?*

6. My answer to the above points are as under:

Point No.1: In the **Affirmative**;

Point No.2: As per final order, for the following:

REASONS

7. **Point No.1:** The genesis of the prosecution case lies in a complaint lodged by one Devendra S/o Siddappa Uppar, aged about 56 years, resident of Byalihal Village, Sindagi Taluk. The complainant has alleged that he is residing with his family at the aforesaid address and is the owner of agricultural land bearing Survey No.42/2 measuring 7 acres situated at Byalihal Village. According to him, in the year 2019, owing to financial difficulties, he had borrowed a hand loan of ₹20,00,000/- from accused No.1, Shivashankar Sugathan, and in connection therewith executed an agreement of sale pertaining to the said land. It is further alleged that subsequently the complainant requested accused No.1 to accept repayment of the loan amount and restore possession of the land to him. However, accused

No.1 is stated to have declined the said request, which ultimately led to the convening of a village panchayat to resolve the dispute. It is further alleged that on 22.05.2026 at about 8:30 a.m., when the complainant and his wife had gone to the said land for ploughing operations, accused No.1 and his nephew arrived at the spot and abused the complainant's wife in filthy language. When the complainant and his wife objected to such conduct, accused No.1 allegedly assaulted the complainant's wife with an iron rod with an intention to cause her death. It is further alleged that when the complainant attempted to intervene and rescue his wife, the nephews of accused No.1 and the son of accused No.2 restrained him, while accused No.2 assaulted him on his face with a wooden object, resulting in bleeding injuries to his mouth, and further assaulted him on his left hand and back, thereby causing grievous injuries. The complaint further alleges that accused No.1 outraged the modesty of the complainant's wife by pulling her hair and saree and throwing her to the ground. Thereafter, all the accused are alleged to have threatened the complainant and his wife with dire consequences before leaving the place. On the basis of the aforesaid allegations, the respondent-police registered the present crime against the petitioners.

8. I have carefully perused the complaint, the First Information Report, the statement of objections filed by the prosecution, and the material placed on record. A prima facie

examination of the allegations discloses that none of the offences alleged against the petitioners is punishable with death or imprisonment for life. Except the offence punishable under Section 109(1) of the Bharatiya Nyaya Sanhita, 2023, all the other offences are triable by the jurisdictional Magistrate and do not attract the extreme punishments of death or imprisonment for life.

9. According to the prosecution, the accused persons assaulted the complainant and his wife with an iron rod with the intention of committing their murder. However, a careful scrutiny of the complaint allegations does not indicate that the accused persons assaulted either of the injured on any vital part of the body, such as the head, neck or chest. On the contrary, the allegations disclose that the assault was directed primarily towards the face, back and limbs of the injured persons. It is also not in dispute that both the injured persons were discharged from the hospital and were stated to be out of danger. It is a settled principle of criminal jurisprudence that the mere use of a weapon or the mere allegation of assault does not, by itself, attract the ingredients of an offence akin to attempt to murder. To attract the rigours of Section 109(1) of the Bharatiya Nyaya Sanhita, 2023, there must exist prima facie material indicating that the accused persons possessed the requisite intention or knowledge to cause death at the time of the commission of the alleged act. Mere assertions in the complaint, without supporting material

demonstrating such intention, would not be sufficient to deny the relief of bail.

10. It appears that the alleged incident was occurred on account of financial dispute between the parties. The injured were already discharged from the hospital and also out of danger. Having regard to the nature of allegations made in the complaint, the fact that the offences alleged are not punishable with death or imprisonment for life, the delay in lodging the complaint, and considering the close relationship of the petitioners and the complainant and also the overall circumstances placed on record, this Court is of the considered opinion that the petitioners have made out a fit case for grant of anticipatory bail. At the same time, the apprehension expressed by the prosecution that the petitioners may tamper with prosecution witnesses or abscond from the jurisdiction of the Court cannot be lightly brushed aside. However, such apprehensions can adequately be addressed by imposing stringent and appropriate conditions to secure the petitioners' presence during investigation and to ensure that they do not interfere with the course of investigation or influence the prosecution witnesses. Accordingly, this Court is satisfied that the petitioners are entitled to the discretionary relief of anticipatory bail subject to strict conditions safeguarding the interest of the prosecution. Hence, Point No.1 is answered in the **Affirmative**.

11. **Point No.2:** By considering the above over all reasons, this Court proceed to pass the following

ORDER

The petition filed by the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is hereby **allowed**.

In the event of arrest of the petitioners in connection with Crime No.178/2026 registered by Sindagi Police Station, for the offences punishable under Sections 189(2), 191(2), 191(3), 74, 118(1), 109(1), 126(2), 351(3), 352, 329(3) read with Section 190 of the Bharatiya Nyaya Sanhita, 2023, the respondent-police are directed to release the petitioners on bail, upon each of them executing a personal bond for a sum of ₹1,00,000/- (Rupees One Lakh only) with one surety for the like amount, to the satisfaction of the Investigating Officer, subject to the following conditions:

1. The petitioners shall make themselves available for investigation and shall appear before the Investigating Officer within 15 days from the date of this order.
2. The petitioners shall not directly or indirectly threaten, influence, or tamper with the prosecution witnesses or attempt to interfere with the course of investigation.

3. The petitioners shall not involve themselves in any offence of similar nature during the pendency of the investigation and trial.
4. The petitioners shall co-operate with the investigation and shall not cause any obstruction or delay in its progress.

(Dictated to the Stenographer Grade-I, script prepared by him, corrected, signed and then pronounced by me in the Open Court on this the 6th day of June, 2026)

(HAREESHA A.)

Prl. District and Sessions Judge,
Vijayapura.